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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ZIMMER ENTERPRISES, INC.
911 Senate Drive
Dayton, Ohio 45459

Plaintiff,

vs.

ATLANDIA TRADING CO.
dba ICELANDIC DESIGNS
7770 Valmont Road
Boulder, Colorado

Defendant.

* Case No. **3 : 06 cv 0038**

* Judge **THOMAS M. ROSE**

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**COMPLAINT FOR
DECLARATORY JUDGMENT**

1. Plaintiff is a corporation, incorporated under the laws of the State of Ohio, having its principal place of business in the State of Ohio.

2. On information and belief, Defendant is a corporation, incorporated under the laws of the State of Colorado, having its principal place of business in a State other than the State of Ohio.

3. Plaintiff and Defendant design, manufacture and sell garments, including but not limited to sweaters and other outerwear.

4. Defendant conducts business and/or benefits from business transactions conducted within the State of Ohio.

5. Jurisdiction of this matter is properly found in the United States District Court, Southern District of Ohio, pursuant to 28 USC §1338.

6. The matter in controversy exceeds, exclusive of interest and costs, the sum specified by 28 USC §1332.



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7. A real and justiciable controversy exists between the parties which requires this Court to exercise its authority to declare the rights and legal relations of the parties pursuant to 28 U.S.C. §2201.

8. Defendant claims to hold copyrights, trademarks, and other rights associated with certain garment designs.

9. In a letter dated February 2, 2006, Defendant, through counsel, claims Plaintiff has infringed upon its copyrights, trademarks and other rights through the marketing of "knock off" garments. A true and accurate copy of this letter is attached hereto as Exhibit "1" and incorporated completely by reference.

10. Defendant claims Plaintiff has violated Section 43(a) of the Lanham Act, United States copyright laws, and other rights of Defendant.

11. At no time has Plaintiff infringed upon Defendant's copyrights, trademarks, or any other rights Defendant may claim.

12. At no time has Plaintiff utilized any trademark or other designation of origin of Defendant's in commerce in connection with the sale, marketing, distribution or advertising of any goods in a manner which would be likely to cause confusion, mistake or deceive third parties;

13. Defendant's claims of infringement are false, without merit and intended to restrain legitimate competition.

WHEREFORE, Plaintiff demands this Court issue an order declaring:

1. Plaintiff has not infringed upon the copyrights, trademarks or other rights of Defendant;

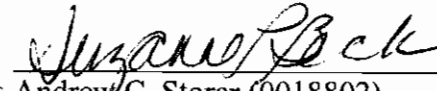
2. Plaintiff shall be entitled to recover the reasonable costs, including attorneys fees, incurred to pursue this action; and



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3. Plaintiff shall be entitled to such other and further relief as the Court deems appropriate.

Respectfully submitted,



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